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CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY _____

12 UNITED STATES DISTRICT COURT
13 DISTRICT OF NEVADA

14 UNION PACIFIC RAILROAD COMPANY,
15 a Delaware Corporation,

16 Plaintiff,

17 vs.

18 WINECUP GAMBLE, INC., a Nevada
19 Corporation; and PAUL FIREMAN, an
20 individual,

21 Defendants.

CASE NO. 3:17-cv-00477-LRH-VPC

STIPULATION AND ~~(PROPOSED)~~ ORDER
GOVERNING THE DISCLOSURE OF
PRIVILEGED AND/OR CONFIDENTIAL
INFORMATION

22 COME NOW Plaintiff Union Pacific Railroad Company ("Union Pacific"),
23 Defendant Winecup Gamble, Inc. ("Winecup"), and Defendant Paul Fireman ("Fireman") and
24 jointly stipulate to the terms of Stipulated Order Governing the Disclosure of Privileged and/or
25 Confidential Information:
26
27
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1 **I. APPLICABILITY**

2 1. This Order shall be applicable to and govern all deposition transcripts and/or
3 videotapes, and documents produced in response to requests for production of documents,
4 answers to interrogatories, responses to requests for admissions, affidavits, declarations and all
5 other information or material produced, made available for inspection, or otherwise submitted by
6 any of the parties in this litigation as well as testimony adduced at trial or during any hearing
7 (collectively "Information").
8

9 **II. PRODUCTION OF DISCOVERY MATERIALS CONTAINING POTENTIALLY**
10 **PRIVILEGED INFORMATION**

11 2. The production of any privileged or otherwise protected or exempted Information,
12 as well as the production of Information without an appropriate designation of confidentiality,
13 shall not be deemed a waiver or impairment of any claim of privilege or protection, including,
14 but not limited to, the attorney-client privilege, the protection afforded to work product materials,
15 or the subject matter thereof, or the confidential nature of any such Information, as to the
16 produced Information, or any other Information.
17

18 3. The production of privileged or work-product protected documents, electronically
19 stored information ("ESI") or information, whether inadvertent or otherwise, is not a waiver of
20 the privilege or protection from discovery in this case or in any other federal or state proceeding.
21 This Order shall be interpreted to provide the maximum protection allowed by Federal Rule of
22 Evidence 502(d).
23

24 4. The producing party must notify the receiving party promptly, in writing, upon
25 discovery that a document containing privileged and/or work product protected information has
26 been produced. Upon receiving written notice from the producing party that privileged and/or
27
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1 work product material has been produced, all such information, and all copies thereof, shall be
2 returned to the producing party within ten (10) business days of receipt of such notice and the
3 receiving party shall not use such information for any purpose, except as provided in paragraph
4 5, until further Order of the Court. The receiving party shall also attempt, in good faith, to
5 retrieve and return or destroy all copies of the documents in electronic format.
6

7 5. The receiving party may contest the privilege or work product designation by the
8 producing party by giving the producing party written notice of the reason for said disagreement
9 within ten (10) business days of the initial notice by the producing party. In that event, the
10 receiving party shall return the allegedly privileged document and the producing party shall
11 provide a log entry for the document. The receiving party may not challenge the privilege or
12 immunity claim by arguing that the disclosure itself is a waiver of any applicable privilege. In
13 that instance, the receiving party shall, within fifteen (15) business days from the receipt of the
14 log entry, seek an Order from the Court compelling the production of the material.
15

16 6. In the event that (a) the receiving party does not contest that the information is
17 privileged, or (b) the Court rules that the information is privileged, any analyses, memoranda or
18 notes which were internally generated based upon such produced information shall immediately
19 be destroyed or redacted.
20

21 7. Nothing contained herein is intended to or shall serve to limit a party's right to
22 conduct a review of documents, ESI or information (including metadata) for relevance,
23 responsiveness and/or segregation of privileged and/or protected information before production.
24

25 **III. PRIVILEGE LOGGING**

26 8. The following documents presumptively need not be included on a privilege log:
27
28

- a. Written or oral communications between a party and its counsel after commencement of this litigation and work product material created after commencement of the any litigation relating to this litigation.
- b. Work product created by outside counsel, or by an agent of outside counsel other than a party after commencement any litigation.

STIPULATED AND AGREED to on this 3rd day of November, 2017

Respectfully submitted,	Respectfully submitted
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ORDER

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the stipulated and order that above stipulation governing the disclosure of privileged information is hereby GRANTED.

Dated: November 9, 2017


THE HONORABLE VALERIE P. COOKE,
U.S. MAGISTRATE JUDGE

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